

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

OTIS McDONALD, ADAM ORLOV,)
COLLEEN LAWSON, DAVID LAWSON,)
ILLINOIS STATE RIFLE ASSOCIATION, and)
SECOND AMENDMENT FOUNDATION, INC.,)

Plaintiffs,)

v.)

CITY OF CHICAGO,)

Defendant.)
_____)

Case No. 08-CV-3645

NOTICE OF APPEAL

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN that Otis McDonald, Adam Orlov, Colleen Lawson, David Lawson, Second Amendment Foundation, Inc., and Illinois State Rifle Association, plaintiffs in the above named case, and pursuant to 28 U.S.C. 1292(a)(1), hereby appeal to the United States Court of Appeals for the Seventh Circuit from the order denying Plaintiffs' Rule 56 Motion for Summary Judgment, including injunctive relief, entered in this action on the 4th day of December, 2008.

Dated: December 5, 2008

Alan Gura (admitted pro hac vice)
Gura & Possessky, PLLC
101 N. Columbus Street, Suite 405
Alexandria, VA 22314
703.835.9085/Fax 703.997.7665

By: /s/ Alan Gura
Alan Gura

Respectfully submitted,

David G. Sigale (Atty. ID# 6238103)
Law Firm of David G. Sigale, P.C.
Corporate West I
4300 Commerce Court, Suite 300-3
Lisle, IL 60532
630.452.4547/Fax 630.596.4445

By: /s/ David G. Sigale
David G. Sigale

Attorneys for Plaintiffs

SEVENTH CIRCUIT COURT OF APPEALS INFORMATION SHEET

Include the names of all plaintiffs (petitioners) and defendants (respondents) who are parties to the appeal. Use a separate sheet if needed.

NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION DOCKET NUMBER: 08 cv 3645

PLAINTIFF (Petitioner)

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DEFENDANT (Respondent)

McDonald/appellant	City of Chgo/appellee
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(Use separate sheet for additional counsel)

PETITIONER'S COUNSEL		RESPONDENT'S COUNSEL	
Name	David G. Sigale	Name	Michael A. Forti
Firm	atty @ law	Firm	City of Cho/Law Dept.
Address	4300 Commerce Ct. Suite 300-3 Lisle, Il. 60532	Address	30 N. LaSalle St. Suite 900 Chgo.Il. 60602
Phone	630)452-4547	Phone	312) 744-9010

Other Information			
District Judge	Shadur	Date Filed in District Court	6/26/08
Court Reporter	J. Andrews X-6899	Date of Judgment	12/4/08
Nature of Suit Code	950	Date of Notice of Appeal	12/5/08

COUNSEL:

Appointed

11

Retained

X

Pro Se

11

FEE STATUS:

Paid

X

Due

--	--

IFP

11

IFP Pending

11

U.S.

7

Waived

11

Has Docketing Statement been filed with the District Court Clerk's Office?

Yes

11

Nc

X

If State/Federal Habeas Corpus (28 USC 2254/28 USC 2255), was Certificate of Appealability:

Granted

11

Denied

7

Pending

11

If Certificate of Appealability was granted or denied, date of order:

If defendant is in federal custody, please provide U.S. Marshall number (USM#):

IMPORTANT: THIS FORM IS TO ACCOMPANY THE SHORT RECORD SENT TO THE CLERK OF THE U.S. COURT OF APPEALS PURSUANT TO CIRCUIT RULE 3(A). Rev 04/01

**UNITED STATES DISTRICT COURT
FOR THE Northern District of Illinois – CM/ECF LIVE, Ver 3.2.2
Eastern Division**

Otis McDonald, et al.

Plaintiff,

v.

Case No.: 1:08-cv-03645

Honorable Milton I. Shadur

City of Chicago, et al.

Defendant.

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Thursday, December 4, 2008:

MINUTE entry before the Honorable Milton I. Shadur:Enter Memorandum Order.MOTION for summary judgment [32] is denied; Motion [43] is denied. Status hearing set for 12/9/2008 at 08:45 AM.Mailed notice(srn,)

ATTENTION: This notice is being sent pursuant to Rule 77(d) of the Federal Rules of Civil Procedure or Rule 49(c) of the Federal Rules of Criminal Procedure. It was generated by CM/ECF, the automated docketing system used to maintain the civil and criminal dockets of this District. If a minute order or other document is enclosed, please refer to it for additional information.

For scheduled events, motion practices, recent opinions and other information, visit our web site at www.ilnd.uscourts.gov.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

OTIS McDONALD, et al.,)
)
 Plaintiffs,)
)
 v.) No. 08 C 3645
)
 CITY OF CHICAGO, et al.,)
)
 Defendants.)

MEMORANDUM ORDER

This is one of three cases on this Court's calendar that seek to extrapolate from the Supreme Court's decision in Dist. of Columbia v. Heller, 128 S.Ct. 2783 (2008) to invalidate municipal ordinances that ban handguns--indeed, plaintiffs' counsel brought this lawsuit only one day after Heller came down (obviously having anticipated the decision reached by the five-Justice majority). This case, like National Rifle Association of America, Inc. v. City of Chicago, 08 C 3697, attacks Chicago's handgun ordinance, while National Rifle Association of America, Inc. v. Village of Oak Park, 08 C 3696 (brought by the same plaintiffs' counsel who are handling 08 C 3697) challenges the Oak Park ordinance.

Today this Court has issued an opinion that rejects, as contrary to jurisprudential principles, the invitation by counsel in the other two cases to “overrule” Quilici v. Village of Morton Grove, 695 F.2d 261 (7th Cir. 1982). Quilici is an on-all-fours decision by our Court of Appeals that takes the opposite position

from that now pressed by plaintiffs in all three cases before this Court.

There is no need to repeat what is said in that opinion, for it might well have been written for this case too. Instead this memorandum order simply denies (1) plaintiffs' two pending motions--their Motion for Summary Judgment (Dkt. 32) and their Motion To Narrow Legal Issues (Dkt. 43)--and (2) sets this case as well for a status hearing at 8:45 a.m. December 9, 2008.



Milton I. Shadur
Senior United States District Judge

Date: December 4, 2008

APPEAL, SCHENKIER

United States District Court
Northern District of Illinois - CM/ECF LIVE, Ver 3.2.2 (Chicago)
CIVIL DOCKET FOR CASE #: 1:08-cv-03645
Internal Use Only

McDonald et al v. City of Chicago et al
Assigned to: Honorable Milton I. Shadur
Member case:

[1:08-cv-03696](#)

Cause: 42:1983 Civil Rights Act

Date Filed: 06/26/2008
Jury Demand: Defendant
Nature of Suit: 950 Constitutional -
State Statute
Jurisdiction: Federal Question

Plaintiff

Otis McDonald

represented by **David G. Sigale**
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LEAD ATTORNEY
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PRO HAC VICE
ATTORNEY TO BE NOTICED

Plaintiff

Adam Orlov

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(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Alan Gura
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PRO HAC VICE
ATTORNEY TO BE NOTICED

Plaintiff**Colleen Lawson**

represented by **David G. Sigale**
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LEAD ATTORNEY
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Alan Gura
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PRO HAC VICE
ATTORNEY TO BE NOTICED

Plaintiff**David Lawson**

represented by **David G. Sigale**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Alan Gura
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Plaintiff**Second Amendment Foundation, Inc.**

represented by **David G. Sigale**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Alan Gura
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Plaintiff**Illinois State Rifle Association**

represented by **David G. Sigale**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Alan Gura
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Plaintiff**National Rifle Association of
America, Inc.**

represented by **National Rifle Association of
America, Inc.**
PRO SE

Plaintiff**Robert Klein Engler**represented by **Robert Klein Engler**
PRO SE**Plaintiff****Dr. Gene A. Reisinger**represented by **Gene A. Reisinger**
PRO SE

V.

Defendant**City of Chicago**represented by **Michael A. Forti**
City of Chicago, Department of Law
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ATTORNEY TO BE NOTICED

Defendant

Richard M. Daley
Mayor
TERMINATED: 06/27/2008

represented by **Michael A. Forti**
(See above for address)
TERMINATED: 07/17/2008
LEAD ATTORNEY

Andrew W Worseck
(See above for address)
TERMINATED: 07/17/2008

Mardell Nereim
(See above for address)
TERMINATED: 07/17/2008

William Macy Aguiar
(See above for address)
TERMINATED: 07/17/2008

proposed

Village Of Oak Park

represented by **Jacob Henry Karaca**
Klein, Thorpe & Jenkins, Ltd.
20 North Wacker Drive
Suite 1660
Chicago , IL 60606-2903
(312) 984-6400
Email: jhkaraca@ktjnet.com
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
06/26/2008	1	COMPLAINT filed by Plaintiffs Illinois State Rifle Association, Otis McDonald, Adam Orlov, Colleen Lawson, David Lawson, Second Amendment Foundation, Inc.; Filing fee \$ 350.(smm) (Entered: 06/26/2008)
06/26/2008	2	CIVIL Cover Sheet. (smm) (Entered: 06/26/2008)
06/26/2008	3	ATTORNEY Appearance for Plaintiffs Illinois State Rifle Association, Otis McDonald, Adam Orlov, Colleen Lawson, David Lawson, Second Amendment Foundation, Inc. by David G. Sigale. (smm) (Entered: 06/26/2008)
06/26/2008	4	(Court only) RECEIPT regarding payment of filing fee paid on 6/26/2008 in the

		amount of \$350.00, receipt number 2889250. (smm) (Entered: 06/26/2008)
06/26/2008	5	SUMMONS Issued as to Defendants City of Chicago, Richard M. Daley. (smm) (Entered: 06/26/2008)
06/26/2008	6	MOTION by Alan Gura on behalf of Plaintiffs McDonald, Orlov, Lawsons, Second Amdment Found, ISRA for Leave to Appear Pro Hac Vice, Filing fee \$ 50, Paid Receipt # 4624004966. (smm) (Entered: 06/27/2008)
06/27/2008	7	MINUTE entry before the Honorable Milton I. Shadur:Enter Memorandum Order. This memorandum order is issued sua sponte to strip the Complaint of some surplusage - - listed in the order of appearance, rather than in any effort to rank the stricken allegations in terms of importance - - that does not conform to the directive of Fed. R. Civ. P. 8(a) as to the content of a federal complaint.Mailed notice (srn,) (Entered: 06/27/2008)
06/27/2008	8	MEMORANDUM Order Signed by the Honorable Milton I. Shadur on 6/27/2008:Mailed notice(srn,) (Entered: 06/27/2008)
06/27/2008	19	MINUTE entry before the Honorable Milton I. Shadur: Defendant Richard M. Daley is dismissed from this action.Mailed notice (srn,) (Entered: 07/17/2008)
07/01/2008	9	ATTORNEY Appearance for Defendants City of Chicago, Richard M. Daley by Andrew W Worseck (Worseck, Andrew) (Entered: 07/01/2008)
07/01/2008	10	ATTORNEY Appearance for Defendants City of Chicago, Richard M. Daley by William Macy Aguiar (Aguiar, William) (Entered: 07/01/2008)
07/01/2008	11	ATTORNEY Appearance for Defendants City of Chicago, Richard M. Daley by Michael A. Forti (Forti, Michael) (Entered: 07/01/2008)
07/01/2008	12	ATTORNEY Appearance for Defendants City of Chicago, Richard M. Daley by Mardell Nereim (Nereim, Mardell) (Entered: 07/01/2008)
07/02/2008	13	RESPONSE by Plaintiffs Illinois State Rifle Association, Otis McDonald, Adam Orlov, Colleen Lawson, David Lawson, Second Amendment Foundation, Inc. to memorandum opinion and order 8 (Attachments: # 1 Notice of Filing)(Sigale, David) (Entered: 07/02/2008)
07/02/2008	14	NOTIFICATION of Affiliates pursuant to Local Rule 3.2 by Second Amendment Foundation, Inc. (Sigale, David) (Entered: 07/02/2008)
07/02/2008	15	NOTIFICATION of Affiliates pursuant to Local Rule 3.2 by Illinois State Rifle Association (Sigale, David) (Entered: 07/02/2008)
07/07/2008	16	MINUTE entry before the Honorable Milton I. Shadur:Enter Memorandum Order. Accordingly this court declines any invitation to revisit its June 27 memorandum order.Mailed notice (srn,) (Entered: 07/07/2008)
07/07/2008	17	MEMORANDUM Order Signed by the Honorable Milton I. Shadur on 7/7/2008:Mailed notice(srn,) (Entered: 07/07/2008)
07/15/2008	21	IT is ordered that the applicant herein may appear pro hac vice in the above-entitled case. Receipt no. 4624004966; paid on 6/26/08. (smm) (Entered: 07/21/2008)

07/16/2008	18	ANSWER to Complaint with Jury Demand by City of Chicago(Worseck, Andrew) (Entered: 07/16/2008)
07/17/2008	20	MINUTE entry before the Honorable Milton I. Shadur: Status hearing set for 8/22/2008 at 09:00 AM.Mailed notice (srn,) (Entered: 07/17/2008)
07/22/2008	22	MOTION by Defendant City of Chicago to reassign case (Worseck, Andrew) (Entered: 07/22/2008)
07/22/2008	23	NOTICE of Motion by Andrew W Worseck for presentment of motion to reassign case 22 before Honorable Milton I. Shadur on 7/25/2008 at 09:15 AM. (Worseck, Andrew) (Entered: 07/22/2008)
07/23/2008	24	MOTION to reassign case (Attachments: # 1 Exhibit A)(Karaca, Jacob) (Entered: 07/23/2008)
07/23/2008	25	NOTICE of Motion by Jacob Henry Karaca for presentment of motion to reassign case 24 before Honorable Milton I. Shadur on 7/29/2008 at 09:15 AM. (Karaca, Jacob) (Entered: 07/23/2008)
07/24/2008		(Court only) ***Motions terminated: MOTION by Plaintiffs Illinois State Rifle Association, Otis McDonald, Adam Orlov, Colleen Lawson, David Lawson, Second Amendment Foundation, Inc. for leave to proceed in forma pauperis 21 , MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50. 6 (srn,) (Entered: 07/24/2008)
07/25/2008	26	MINUTE entry before the Honorable Milton I. Shadur:Motion to reassign case 22 is granted; Motion hearing held on 7/25/2008 regarding motion to reassign case 22 Mailed notice (srn,) (Entered: 07/28/2008)
07/29/2008	27	MINUTE entry before the Honorable Milton I. Shadur:Motion to reassign case 24 is granted; Motion hearing held on 7/29/2008 regarding motion to reassign case 24 . Status hearing set for 9/26/2008 at 09:00 AM. The August 22 status date is vacated.Mailed notice (srn,) (Entered: 07/29/2008)
07/29/2008	28	MOTION to vacate <i>and Set Briefing Schedule</i> (Attachments: # 1 Exhibit A, # 2 Certificate of Service)(Howard, William) (Entered: 07/29/2008)
07/29/2008	29	NOTICE of Motion by William Nicholas Howard for presentment of motion to vacate 28 before Honorable Milton I. Shadur on 8/1/2008 at 09:15 AM. (Howard, William) (Entered: 07/29/2008)
07/31/2008	30	MOTION by Plaintiffs Illinois State Rifle Association, Otis McDonald, Adam Orlov, Colleen Lawson, David Lawson, Second Amendment Foundation, Inc. to strike answer to complaint 18 (Sigale, David) (Entered: 07/31/2008)
07/31/2008	31	NOTICE of Motion by David G. Sigale for presentment of motion to strike, motion for relief 30 before Honorable Milton I. Shadur on 8/4/2008 at 09:15 AM. (Sigale, David) (Entered: 07/31/2008)
07/31/2008	32	MOTION by Plaintiffs Illinois State Rifle Association, Otis McDonald, Adam Orlov, Colleen Lawson, David Lawson, Second Amendment Foundation, Inc. for summary judgment (Sigale, David) (Entered: 07/31/2008)
07/31/2008	33	NOTICE of Motion by David G. Sigale for presentment of motion for summary

		judgment 32 before Honorable Milton I. Shadur on 8/4/2008 at 09:15 AM. (Sigale, David) (Entered: 07/31/2008)
07/31/2008	34	MEMORANDUM by Illinois State Rifle Association, Otis McDonald, Adam Orlov, Colleen Lawson, David Lawson, Second Amendment Foundation, Inc. in support of motion for summary judgment 32 (Attachments: # 1 Statement of Material Facts, # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C, # 5 Exhibit D, # 6 Exhibit E, # 7 Exhibit F, # 8 Declaration of Otis McDonald, # 9 Declaration of Adam Orlov, # 10 Declaration of Colleen Lawson, # 11 Declaration of David Lawson, # 12 Declaration of Alan Gottlieb, # 13 Declaration of Richard Pearson)(Sigale, David) (Entered: 07/31/2008)
08/01/2008	35	Exhibit G to Memorandum in Support of Plaintiffs' Motion for Summary Judgment by Illinois State Rifle Association, Otis McDonald, Adam Orlov, Colleen Lawson, David Lawson, Second Amendment Foundation, Inc. (Sigale, David) (Entered: 08/01/2008)
08/01/2008	36	MINUTE entry before the Honorable Milton I. Shadur:Motion to strike 30 is entered and continued. MOTION for summary judgment 32 is entered and continued; Motion to vacate is entered and continued. NRA Plaintiff's further submission on the motion to vacate is due on or before August 8, 2008. Motion hearing held on 8/1/2008. Motion Hearing set for 8/18/2008 at 09:15 AM.Mailed notice (srn,) (Entered: 08/01/2008)
08/03/2008	37	ATTORNEY Appearance for proposed Village Of Oak Park by Jacob Henry Karaca (Karaca, Jacob) (Entered: 08/03/2008)
08/06/2008	38	ATTORNEY Appearance for Defendant City of Chicago by Rebecca Alfert (Alfert, Rebecca) (Entered: 08/06/2008)
08/08/2008	39	MOTION by Plaintiffs National Rifle Association of America, Inc., Robert Klein Engler, Gene A. Reisinger to vacate order on motion to reassign case,, motion hearing,, set/reset hearings, 27 (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Certificate of Service)(Howard, William) (Entered: 08/08/2008)
08/18/2008	40	MINUTE entry before the Honorable Milton I. Shadur:Motion to strike 30 is denied without prejudice. City of Chicago's Amended Answer is due on or before September 2, 2008.; Motion to vacate is denied.; Status hearing held on 8/18/2008. The September 26, 2008 status date is vacated. Status hearing set for 9/10/2008 at 09:00 AM.Mailed notice (srn,) (Entered: 08/18/2008)
08/18/2008		(Court only) ***Motions terminated: MOTION to vacate <i>and Set Briefing Schedule</i> 28 (srn,) (Entered: 08/25/2008)
09/05/2008	41	<i>Amended</i> ANSWER to Complaint with Jury Demand by City of Chicago (Alfert, Rebecca) (Entered: 09/05/2008)
09/10/2008	42	MINUTE entry before the Honorable Milton I. Shadur:Status hearing held on 9/10/2008. Status hearing set for 11/10/2008 at 09:00 AM.Mailed notice (srn,) (Entered: 09/10/2008)
10/21/2008	43	MOTION by Plaintiffs Illinois State Rifle Association, Otis McDonald, Adam Orlov, Colleen Lawson, David Lawson, Second Amendment Foundation, Inc.Narrow Legal Issues Pursuant to FRCivP 16 (Sigale, David) (Entered: 10/21/2008)

		10/21/2008)
10/21/2008	44	NOTICE of Motion by David G. Sigale for presentment of motion for miscellaneous relief 43 before Honorable Milton I. Shadur on 10/28/2008 at 09:15 AM. (Sigale, David) (Entered: 10/21/2008)
11/07/2008	45	MINUTE entry before the Honorable Milton I. Shadur:The November 10 status date is stricken. Status hearing set for 12/4/2008 at 09:00 AM Mailed notice (srn,) (Entered: 11/07/2008)
11/13/2008	46	MINUTE entry before the Honorable Milton I. Shadur:Enter Memorandum Order. This Court will put aside the Postal Service's apparent determination that this Court is a non-person, even though it has been occupying the Room 2388 judicial chambers for years - - instead this memorandum is issued simply to reassure plaintiff's counsel that no violation of court rules is to be placed at his doorstep.Mailed notice (srn,) (Entered: 11/13/2008)
11/13/2008	47	MEMORANDUM Order Signed by the Honorable Milton I. Shadur on 11/13/2008:Mailed notice(srn,) (Entered: 11/13/2008)
12/03/2008	48	MINUTE entry before the Honorable Milton I. Shadur:The December 4, 2008 status date is vacated. This Court will set a new status date after the completion of the trial that it is currently conducting. Mailed notice (srn,) (Entered: 12/03/2008)
12/04/2008	49	MINUTE entry before the Honorable Milton I. Shadur:Enter Memorandum Order.MOTION for summary judgment 32 is denied; Motion 43 is denied. Status hearing set for 12/9/2008 at 08:45 AM.Mailed notice (srn,) (Entered: 12/04/2008)
12/04/2008	50	MEMORANDUM Order Signed by the Honorable Milton I. Shadur on 12/4/2008:Mailed notice(srn,) (Entered: 12/04/2008)
12/05/2008	51	NOTICE of appeal by Illinois State Rifle Association, Otis McDonald, Adam Orlov, Colleen Lawson, David Lawson, Second Amendment Foundation, Inc. regarding orders 50 Filing fee \$ 455, receipt number 0752000000003330512. (Sigale, David) (Entered: 12/05/2008)
12/05/2008	52	NOTICE of Appeal Due letter sent to counsel of record (dj,) (Entered: 12/05/2008)